

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE G. VILLALTA,

Plaintiff,

v.

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE, *et al.*,

Defendants.

No. 1:20-cv-01245-NONE-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
THAT PLAINTIFF'S COMPLAINT BE
DISMISSED WITH PREJUDICE AND
DIRECTING THE CLERK OF COURT TO
ASSIGN DISTRICT JUDGE AND CLOSE
CASE

(Doc. No. 1, 6)

Plaintiff Jose G. Villalta is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on plaintiff's complaint against various defendants for alleged violation of an assortment of plaintiff's rights under federal and state law. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 29, 2020, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's complaint be dismissed, with prejudice and without leave to amend, due to plaintiff's failure to state a claim. (Doc. No. 6.) Those findings and recommendations were served on the plaintiff and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. (*Id.* at 9.) Plaintiff filed objections to

1 the pending findings and recommendations on December 21, 2020.

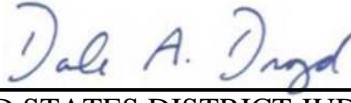
2 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
3 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
4 magistrate judge's findings and recommendations are supported by the record and by proper
5 analysis. Plaintiff's objections are difficult to decipher but generally: (1) assert that plaintiff is
6 being held unlawfully because certain documents are not being retained in his central file;
7 (2) discuss various generic legal concepts, such as double jeopardy and *Heck v. Humphrey*, 512
8 U.S. 477 (1994); (3) suggest that at least one of plaintiff's state convictions was not supported by
9 sufficient evidence; and (4) attempt to allege that various individuals involved in his state
10 criminal prosecution and incarceration falsified evidence, improperly indicted him, provided him
11 with an insufficient defense, failed to provide him with information from his central file, and
12 falsified prison disciplinary proceedings against him. (See Doc. No. 9.) However, plaintiff's
13 objections fail to cure the central flaws of the complaint identified in the pending findings and
14 recommendations, including that the complaint improperly joins unrelated claims into a single
15 lawsuit. In light of these deficiencies, the granting of further leave to amend would be futile.

16 Accordingly,

- 17 1. The findings and recommendations issued on October 29, 2020, (Doc. No. 6), are adopted
18 in full;
- 19 2. Plaintiff's complaint is dismissed, with prejudice, and without leave to amend; and
- 20 3. The Clerk of Court is directed to assign a district judge to this case for the purpose of
21 closing the case and then to close this case.

22 IT IS SO ORDERED.

23 Dated: January 13, 2021


24 UNITED STATES DISTRICT JUDGE

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